



May 18, 1999

Mr. Robert L. Kane  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701

OR99-1368

Dear Mr. Kane:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 124154.

The University of Texas System (the "system") received a request for copies of research data and files related to the work conducted by the requestor and her former husband, Dr. Raymond Costello. You claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code.<sup>1</sup> We have considered the exception you claim and have reviewed the submitted information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 552.101 also encompasses information protected by other statutes. Chapter 611 of the Health and Safety Code provides for the confidentiality of mental health records created or maintained by a mental health professional. Section 611.002(a) provides that "the records of the identity, diagnosis, evaluation, or treatment of a patient that are created or maintained by a professional, are confidential." Section 611.004(a)(3) provides that a professional may disclose confidential information to qualified personnel for research purposes. However, "personnel who receive confidential information under Subsection (a)(3) may not directly or indirectly identify or otherwise disclose the identity of a patient in a report or in any other manner." Health & Safety Code § 611.004(b).

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<sup>1</sup>You have also submitted a document outlining the research protocol. We assume, based on your statements, that this document was submitted for informational purposes only. Consequently, this ruling does not address the release of this document.

You state that the records at issue "are names and dates of admission of alcoholics, which were gathered for the purpose of mapping mortality rates for alcoholics over a period of time and to determine the cause of mortality over the same period." You explain that the individual names were collected by Dr. Costello from the admission records of an alcoholic treatment facility. You further state that Dr. Costello intended to follow the mortality of these individuals through time by obtaining information from their death certificates. Finally, you state that some of the individuals were patients of Dr. Costello. Therefore, based on your representations, we conclude that the requestor is entitled to copies of the submitted documents with the identities of the individuals redacted.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read "June B. Harden".

June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/ch

Ref.: ID# 124154

encl. Submitted documents

cc: Ms. Sandra Schneider  
P.O. Box #3  
Helotes, Texas 78023-0003  
(w/o enclosures)